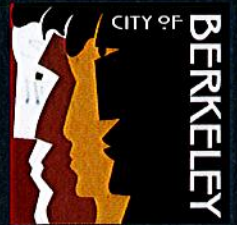
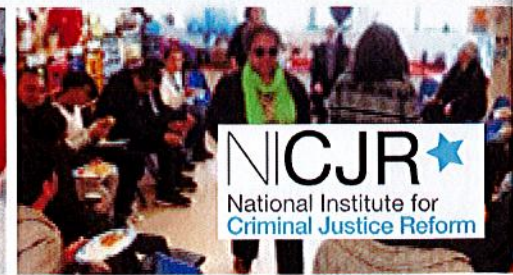
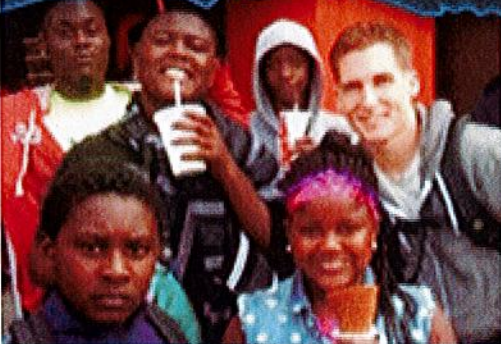
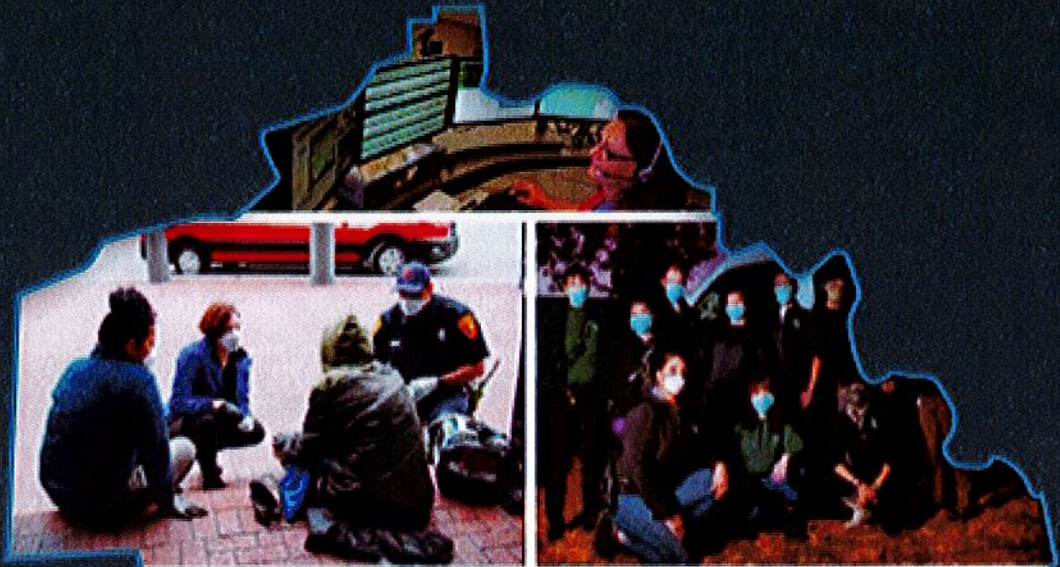


Reimagining Public Safety in Berkeley:



DRAFT FINAL REPORT AND IMPLEMENTATION PLAN



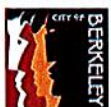
NICJR ★
National Institute for
Criminal Justice Reform

Note: For PAB Nov. 10 packet, appendices not included.
Full report accessible at cityofberkeley.info/RIPST.aspx

Reimagining Public Safety in Berkeley: Draft Final Report and Implementation Plan

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Introduction

On July 14, 2020, the Berkeley City Council (Council) made a historic commitment to reimagine the City's approach to public safety with the passage of an omnibus package of referrals, resolutions, and directives known as The George Floyd Community Safety Act. Central to the proposal was a commitment to achieve a "new and transformative model of positive, equitable, and community centered safety for Berkeley."¹

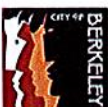
Direction was given to the City Manager to collaborate with the Mayor and select Councilmembers to inform City of Berkeley (City) investments and reallocations to be incorporated into future Budget processes and to contract with independent subject matter experts to analyze the scope of work and community needs addressed by the Berkeley Police Department (BPD), to identify a more limited role for law enforcement, and to identify elements of police work that could be achieved through alternative programs, policies, systems, and community investments.

The National Institute for Criminal Justice Reform (NICJR) was selected through a Request for Proposal process to conduct this work in partnership with Bright Research Group, which led the community engagement; Renee Law Group, who has provided guidance on policy recommendations; Pastor Michael Smith, who supported the community engagement and outreach; and Jorge Camacho, the Policy Director of the Justice Collaboratory at Yale Law School.

This Final Report and Implementation Plan, is the culmination of NICJR efforts over the past 10 months, a body of work reflected in the following deliverables:

1. [New and Emerging Models of Community Safety and Policing](#) report;
2. [Berkeley Calls for Service Analysis](#);
3. [Alternative Responses](#) report;
4. [Community Engagement](#) report; and
5. A project [website](#).

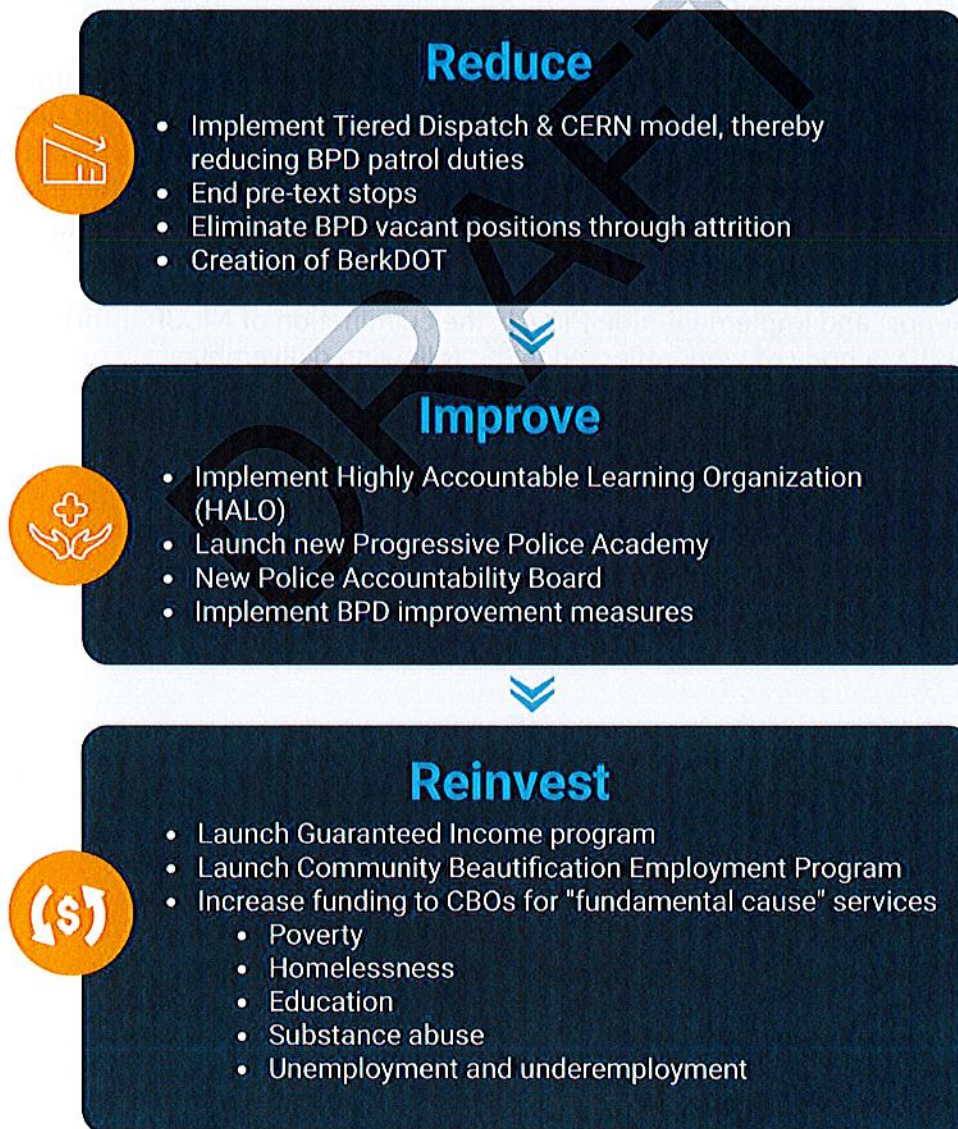
¹ <https://www.cityofberkeley.info/RIPST.aspx>



Report Infographic Summary

The City of Berkeley's George Floyd Act referenced NICJR's reform model of Reduce -- Improve -- Reinvest. This report is also primarily organized in those sections: Reduce the footprint of law enforcement; Improve the quality of law enforcement and public safety; and Reinvest into community and services. Some of the recommendations in this report are programs or policies that have been tried in other jurisdictions and have a track record of effectiveness or promise, other recommendations are new ideas, aligned with the goal of Reimagining!

The body of this report is already 40 pages for a total of 274 pages, including the appendices, therefore the below graphic provides a quick overview of the detailed recommendations included in this report instead of repeating the narrative.

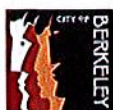


Background

Berkeley City Council George Floyd Act

In response to the national outcry for police reform, and in line with the City's long history of progressive policy making, the Berkeley City Council formally adopted the George Floyd Community Safety Act which included the following package of referrals, resolutions, and directions:

1. Have the City's elected Auditor perform an analysis of the City's emergency 9-1-1 calls-for-service and responses, as well as analysis of the Berkeley Police Department's (BPD) budget.
2. Create plans and protocols for calls for service to be routed and assigned to alternative preferred responding entities and consider placing dispatch in the Fire Department or elsewhere outside the Police Department.
3. Analyze and develop a pilot program to re-assign non-criminal police service calls to a Specialized Care Unit. This Specialized Care Unit (SCU) consists of trained crisis-response field workers who would respond to calls that the Public Safety Communications Center operator evaluated as non-criminal and that posed no imminent threat to the safety of community members and/or Police Department or Fire Department personnel.
4. Evaluate initiatives and reforms that reduce the footprint of the Berkeley Police Department and limit the Police Department's scope of work primarily to violent and criminal matters. This work should include an evaluation of programs and services currently provided by the Police Department that could be better served by trained non-sworn city staff or community partners.
5. Aspire to reduce the Police Department's budget by 50% to generate resources to fund the following priorities:
 - Youth programs;
 - Violence prevention and restorative justice programs;
 - Domestic violence prevention;
 - Housing and homeless services;
 - Food Security;
 - Public health and Mental Health services including a specialized care unit;
 - Healthcare;



- New city jobs;
 - Expanded partnerships with community organizations, and
 - Establishing a new Department of Transportation to administer parking regulations and traffic laws
6. Engaging a qualified firm(s) or individual(s) to lead a robust, inclusive, and transparent community engagement process with the goal of achieving a new and transformative model of positive, equitable and community-centered safety for Berkeley.
 7. Pursue the creation of a Berkeley Department of Transportation to ensure a racial justice lens in traffic enforcement and the development of transportation policy, programs and infrastructure, and identify and implement approaches to reduce and/or eliminate the practice of pretextual stops based on minor traffic violations.
 8. Analysis of litigation outcomes and exposure for city departments in order to guide the creation of city policy to reduce the impact of settlements on the General Fund.

Recent History of Problems with Policing in Berkeley

Although immediately inspired by the events of 2020, the Council's George Floyd Act came on the heels of a period of challenges with the BPD:

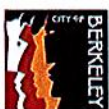
February 12, 2013: Death of Kayla Moore, Black transgender woman in mental health distress

Kayla Moore, a Black transgender woman with schizophrenia, was killed in her apartment on Allston Way by BPD officers who responded to a call for a "wellness check." Kayla stopped breathing after half a dozen police officers forcibly held her down. The family of Kayla Moore filed a lawsuit in 2014 against the City of Berkeley, however, the City contended that minimal and appropriate force was used and sought a dismissal of the lawsuit in federal court, which was ultimately granted.

December 6, 2015: Use of Force at Black Lives Matter protests

During a Black Lives Matter protest in Berkeley on December 6, BPD was accused of beating peaceful protesters and journalists, and using excessive amounts of teargas without justification.²

² <https://www.kqed.org/news/10402266/berkeleys-police-chief-on-protests-tear-gas-use>



In 2017, the City of Berkeley reached a settlement with several plaintiffs who sued the City and BPD for the attack. Seven plaintiffs received \$125,000 and BPD agreed to amend its use of force policy.³

March 26, 2018: Black child falsely accused, chased, and run over by car

On March 26, 2018, on Telegraph and Stuart, a Black child in the 7th grade was chased and grabbed by a white man, who mistook the Black child roughhousing with a white female classmate on the sidewalk as an assault. The boy was then struck with a car by another man as he ran in fear of his safety. The family was told by a white police sergeant that nothing unlawful actually happened, and determined that the man chasing the child did not commit any crime, rather he was lawfully attempting to make a citizen's arrest. In addition, the child's grandmother, who is his legal guardian, reported that she was told by BPD that she had no right to any written reports or documentation of the incident without a court order.⁴

May 2018: Report Reveals Racial Disparities in BPD Stops and Searches

[An analysis](#) by the nationally renowned Center for Police Equity published in May 2018 found the stops and searches conducted by BPD were racially disproportionate. The report states:

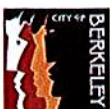
"Our analysis of BPD vehicle and pedestrian stops found that Black and Hispanic persons were more likely than White persons to be stopped by BPD. Black persons in Berkeley were about 6.5 times more likely per capita than White persons to be stopped while driving, and 4.5 times more likely to be stopped on foot. Hispanic persons were about twice as likely, per capita, as White persons to be stopped while driving, and slightly less likely to be stopped on foot. In addition to their much higher stop rates, Black and Hispanic drivers (and pedestrians) were also searched at much higher rates. Once stopped, Black drivers were searched at a rate four times higher than their White counterparts (20% compared to 5%), while Hispanic drivers were searched at three times the White rate (15%)."

March 14, 2020: Less-lethal shooting of unarmed Black man, Ashby & Sacramento St.,

A BPD officer used a less-lethal weapon to shoot William Dean Brown, a Black man kneeling on the ground with his empty hands in the air. He was shot within a distance of 12 feet and was hit in the torso, and quickly handcuffed and tackled by three officers as soon as he hit the ground.

³ <https://www.dailycal.org/2017/02/05/city-berkeley-reaches-conditional-settlement-lawsuit-regarding-police-use-force/>

⁴ <https://www.berkeleyside.org/2018/05/18/opinion-the-willard-school-community-wants-answers-from-berkeley-police-about-a-troubling-incident>



June 9, 2020: BPD Chief mentions shooting protesters at City Council Meeting

Just after a march organized by The Way church protesting the killing of George Floyd, then BPD Chief Andrew Greenwood made a comment during a Council meeting to discuss whether to permanently ban the use of tear gas as a method of crowd control. City Councilmember Susan Wengraf asked Greenwood what kind of alternative tools would be best to use if a crowd turned violent and police could not use tear gas, to which Greenwood replied "Firearms. We can shoot people". His statement immediately prompted a call from the community for his resignation.⁵

June 30, 2020: Officer shooting at Black man and minors in vehicle, North Berkeley

BPD Officer Cheri Miller fired her gun at three teenagers accused of shoplifting at CVS. Miller got out of her vehicle with her gun drawn, and, within less than a minute of her arrival, she had ordered the driver, 19-year-old Brandon Owens of Concord, a young Black man, to get into his car and put his keys on the roof. When Brandon got back into his vehicle, he began to drive away from the officer who then shot at the moving vehicle three times. There were two minors in the car with Brandon. Miller was found not to have committed any crime, but was found in violation of BPD's deadly force policy and was fired.

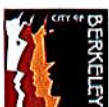
December 17, 2020: Use of force Parker and Mathews St., Southwest Berkeley

55-year-old David Frazier and an unnamed passenger were pulled over for multiple vehicle code violations. The initial call was categorized as a routine traffic stop. When Frazier finally stopped after multiple attempts from BPD, two officers approached Frazier's vehicle and began to forcefully attempt to pull Frazier out of the front seat, punching and pulling on him. The three officers were unsuccessful in gaining control over Frazier and then stepped back and pulled out their batons and began to beat Frazier while he sat in the front seat. Two more officers then approached the passenger side of the vehicle with their guns drawn, broke the passenger window, pulled the passenger out, handcuffed him and dragged him away. Frazier was dragged out of the car and tackled by five or six officers, handcuffed and forced to sit upright on the hood of a police vehicle.

January 2, 2021: Use of force on unhoused Black man with mental illness, Shattuck Ave., Downtown Berkeley

Bryant, a 50-year-old unhoused Black man who suffers from mental illness, tried to purchase a sandwich, bag of chips, and a bag of candy from Walgreens with \$1.00 in coins. He attempted to walk out of the store without paying for the remaining amount owed, but security locked the doors on him. Bryant then pulled out a bike chain from his backpack which prompted security to open the doors and let Bryant leave the store. Dispatch categorized the initial call as a possible 5150 based on employees description of the event. The arriving officer shot Bryant in the face, shattering his jaw, within 20 seconds of arriving on the scene.

⁵ <https://www.berkeleyside.org/2020/06/13/marchers-in-berkeley-demand-resignation-of-police-chief>



Reimagining Public Safety Task Force

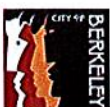
As part of the George Floyd Act, the City created the Reimagining Public Safety Task Force (RPSTF), which was charged with making recommendations to the consultant (NICJR) and city staff on structures and initiatives to outline a new, community-centered safety paradigm as a foundation for deep and lasting change, grounded in the principles of Reduce, Improve and Reinvest as proposed by the NICJR, considering, among other things:

- The social determinants of health and changes required to deliver a holistic approach to community-centered safety;
- Defining an appropriate response to calls-for-service including size, scope of operation and powers and duties of a well-trained police force;
- Limiting militarized weaponry and equipment; and
- Identifying alternatives to policing and enforcement to reduce conflict, harm, and institutionalization, introduce restorative and transformative justice models, and reduce or eliminate use of fines and incarceration. Options to reduce police contacts, stops, arrests, tickets, fines and incarceration and replace these, to the greatest extent possible, with educational, community serving, restorative and other positive programs, policies and systems.

The Task Force is comprised of:

- One (1) representative appointed by each member of the City Council and Mayor,
- One (1) representative appointed from the Mental Health Commission, Youth Commission and Police Review Commission,
- One (1) representative appointed by the Associated Students of the University of California (ASUC) External Affairs Vice President,
- One (1) representative appointed by the Berkeley Community Safety Coalition (BCSC) Steering Committee, and
- Three (3) additional members appointed "At-Large" by the Task Force.

District 1 - Margaret Fine	Youth Commission - Nina Thompson
District 2 - Sarah Abigail Ejigu	Police Review Commission - Nathan Mizell
District 3 - boona cheema	Mental Health Commission - Edward Opton
District 4 - Jamie Crook	Berkeley Community Safety Coalition - Jamaica Moon
District 5 - Dan Lindheim	Associated Students of U. California - Alecia Harger
District 6 - La Dell Dangerfield	At-Large - Vacant
District 7 - Barnali Ghosh	At-Large - Liza Lutzker
District 8 - Pamela Hyde	At-Large - Frances Ho
Mayor - Hector Malvido	



NICJR Reports

NICJR produced drafts of the following series of reports then received feedback from the RPSTF and City staff and made necessary edits and additions then finalized:

1. New and Emerging Models of Community Safety and Policing Report
2. Berkeley Calls For Service Analysis Report
3. Alternative Responses Report
4. Community Engagement Report

Included below is a brief description and summary of each of those reports. Links to the full reports are included below and the reports are appendices G through J.

New and Emerging Models of Community Safety and Policing Report

The [New and Emerging Models of Community Safety and Policing](#) report includes detailed overviews of a variety of examples of Emerging Non-Enforcement Models of Community Response; Non-Law Enforcement Crime Reduction Strategies; Community Driven Violence Reduction Strategies; and Policing Strategies. Highlighted below are some of the programs included in that report that informed NICJR's final recommendations for the City's reimagining work:

Emerging Non-Enforcement Models of Community Response include the Crisis Response Unit (CRU) and Street Crisis Response Team (SCRT).

The City of Olympia, Washington implemented the CRU in April of 2019 to serve as an option to respond to behavioral health calls for service. CRU teams consist of mental health professionals that provide support such as mediation, housing assistance, and referrals to additional services to their clients.⁶ Calls for service for the CRU originate from community-based service providers, the City's 911 hub, and law enforcement personnel.⁷

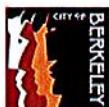
The SCRT is a pilot program launched in November 2020 administered by the Fire Department in San Francisco, California. The program targets individuals experiencing behavioral health crises. SCRTs consist of a behavioral health specialist, a peer interventionist, and a first responder. 911 calls that are determined to be appropriate for a SCRT are routed accordingly by dispatch. A team responds to calls in an average of 15 minutes.⁸

Non-Law Enforcement Crime Reduction Strategies include the Mayor's Action Plan (MAP) in New York City, NY. Launched in 2014 in fifteen New York City Housing

⁶ <https://olympiawa.gov/city-services/police-department/Crisis-Response-Peer-Navigator.aspx>

⁷ <https://www.vera.org/behavioral-health-crisis-alternatives/cru-and-familiar-faces>

⁸ <https://sfmayor.org/article/san-franciscos-new-street-crisis-response-team-launches-today>



Authority properties, MAP was designed to foster productive dialogue between local residents and law enforcement agencies, address physical disorganization, and bolster pro-social community bonds. MAP's focal point is NeighborhoodStat, a process that allows residents to have a say in the way NYC allocates its public safety resources.⁹ Early evaluations show a reduction in various crimes as well as increased perception of healthier neighborhoods.¹⁰

Calls for Service Analysis

The Berkeley City Auditor conducted an extensive report on BPD Calls For Service (CFS or events) which was published in July of 2021. NICJR conducted a complementary [Calls for Service Analysis](#) as part of its work on the City's remaining effort.

The three primary objectives for the NICJR CFS report were to 1) provide an analysis of BPD CFS according to NICJR's crime categories; 2) map NICJR's crime categories to NICJR's proposed Tiered Dispatch model; and 3) identify which CFS should be responded to by a non-BPD alternative.

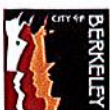
The proposed Tiered Dispatch model and Community Emergency Response Network (CERN) reduces the burden on police to respond to certain calls for service and improves outcomes through community response to lower level and non-criminal incidents. The CERN will use community safety and problem solving responders, who have expertise in community engagement, crisis response, de-escalation, and conflict mediation and resolution skills. Implementing the Tiered Dispatch and CERN can serve to increase public safety by refocusing law enforcement officers on the most serious crimes, applying a more appropriate response to public health and quality of life CFS, and more effectively utilizing public dollars and resources.

A review of over 358,000 CFS over the 5-year study period (2015-2019) found that over 81 percent of BPD CFS were for non-criminal events. Only 7.4 percent of CFS were for felonies of any kind. NICJR's assessment of viable alternative responses indicated that 50 percent of CFS can be responded to with no BPD involvement, with another 18 percent of CFS requiring BPD to be present, but to serve in a support, rather than a lead role.

As a result of an assessment of the CFS and the narrative of the actual incidents, NICJR recommended that alternative response options be developed for the 50 percent of CFS that were determined to not require a law enforcement response.

⁹<https://www.americanprogress.org/issues/criminal-justice/reports/2019/10/02/475220/neighborhoodstat-strengthening-public-safety-community-empowerment/>

¹⁰ https://johnjayrec.nyc/wp-content/uploads/2020/10/MAP_EvalUpdate06.pdf



Alternative Response Report

The [Alternate Responses Report](#) expands upon the Calls for Service analysis, providing a detailed overview of NICJR's Tiered Dispatch model, the CERN, and describes how specific call types are assigned to the four tiers:

- Tier 1: Non-Criminal: 911 calls and other CFS that are not crimes, like noise complaints or suspicious persons.
- Tier 2: Misdemeanors
- Tier 3: Non-violent felonies
- Tier 4: Serious and violent felonies.

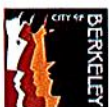
Eventually, all Tier 1 and some Tier 2 CFS should be able to be responded to by the CERN or other non-police responders.

The report concludes with an overview of a framework for the City's alternative response model, drawing upon both existing and planned City resources.

A description and implementation plan utilizing Tiered Dispatch and the CERN model are outlined in detail in the Implementation Plan below.

Community Engagement Report

Berkeley's Reimagining Public Safety process has included comprehensive outreach and engagement of local community members in an effort to develop a community safety model that reflects the needs of the community and creates increased safety for all. In collaboration with the City of Berkeley's RPSTF and the City Manager's Office, Bright Research Group (BRG) developed and conducted a community survey to gather residents' experiences with and perceptions of BPD and crisis response; and their perspectives on and priorities for reimagining public safety. More than 2700 people responded to the survey. NICJR and its partners, as well as RPSTF members, held 14 listening sessions to hear from community members, especially hard to reach community members and those not well represented in the survey, including: the unhoused, formerly incarcerated, youth, Black residents and Latinix residents. Details of the survey responses and listening session feedback are contained in the [Community Engagement Report](#).



Implementation Plan

Based on the extensive research that was conducted by NICJR and partners, input from the community engagement process, feedback from the Task Force and other stakeholders, NICJR provides the following detailed recommendations to the City of Berkeley categorized in the Reduce -- Improve -- Reinvest framework.

Reduce

To achieve the goal of a smaller law enforcement footprint and to reallocate a portion of the BPD budget towards more community supports, NICJR recommends the following measures:

- Implementation of the Tiered Dispatch/CERN model
- End pretextual stops
- Implementation of BerkDOT, which should further reduce the size of BPD

Tiered Dispatch/Emergency Response Network

The graph below depicts the response to certain 911 and other calls for service based on the Tiered Dispatch model, which contemplates a tiered response to CFS based on the nature of the call as reflected below:





As reflected in the CFS Analysis, 81 percent of the 358,000 calls for service to BPD between 2015 -2019 were for non-criminal events. While some of these calls were determined not to be appropriate for non-police response based on an analysis of call narratives, NICJR recommends that 50 percent of these non-criminal calls be handled by a non-police response.

With BPD freed up to focus its efforts and attention on serious and violent crime, community-based responders can focus on the variety of needs that fall into the identified 50 percent of non-police calls. In addition to being available twenty-four hours a day, seven days a week, the CERN would be designed to build on the professional skills and expertise of non-sworn staff and to utilize collaborative community



partnerships and the other necessary resources to appropriately and holistically respond to individuals in need. Some examples of this in practice include:

- [The Albuquerque Community Safety Department](#) provides a third option when individuals call 911, instead of only having the option of police or fire department services. Community Safety responders are dispatched with and without other first responders (Police and Fire). Community Safety responders may have backgrounds as social workers, peer to peer support, clinicians, counselors, or other similar fields.¹¹
- [The Durham Community Safety Department](#) dispatches trained, unarmed responders that may include licensed clinical social workers and mental health clinicians paired with paramedics to calls involving mental or behavioral health needs, minor traffic accidents, quality of life issues (trespassing, loitering, panhandling, etc), and calls for general assistance.¹²
- [New York City B-HEARD \(Behavioral Health Emergency Assistance Response Division\) Program](#) focuses on using a mental-health centered response to 911 mental health calls. The B-HEARD teams have the expertise to respond to a range of behavioral health problems, such as suicide ideation, substance misuse, and mental illness, including serious mental illness, as well as physical health problems, which can be exacerbated by or mask mental health problems.¹³

A national poll conducted in June of 2021 found that 70 percent of likely voters support a non-police response for 911 calls about mental health crises, and 68 percent support the creation of non-police emergency response programs.¹⁴ In many jurisdictions, police are the first to respond to 911 calls about people experiencing issues related to mental health, homelessness, and substance use. However, police officers report not having the proper training or expertise to appropriately respond to those situations and often resort to their training and treat non-criminal situations as crimes.

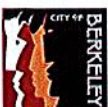
Chief Eric Hawkins of the Albany, NY police department said, "Fundamentally I don't have a problem with the basic premise to defund the police, and that is police officers should be doing police work and not social work. Police officers shouldn't be the point of contact for individuals with mental health issues, substance abuse issues, or unhealthy family structural issues."

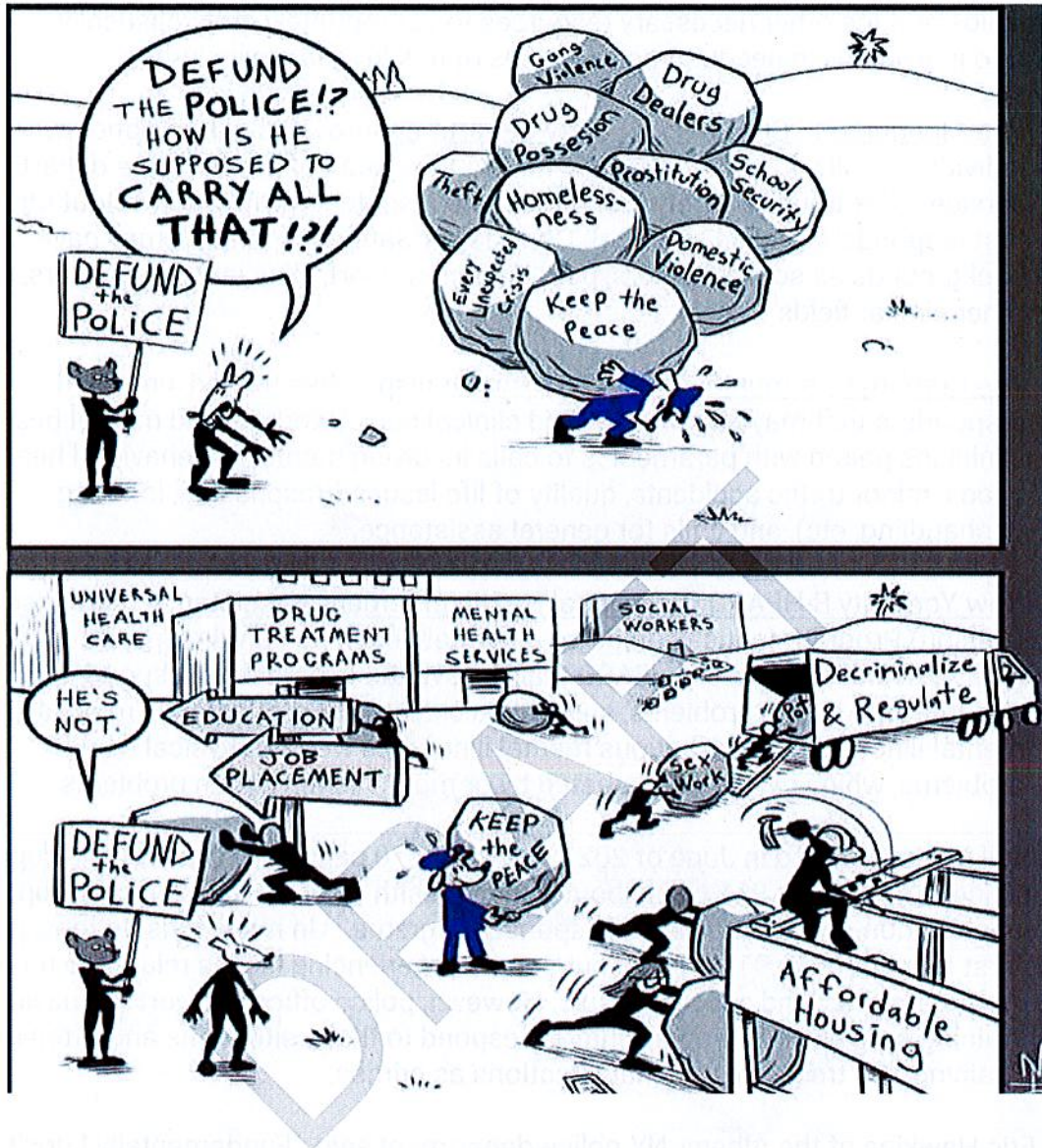
¹¹ <https://www.cabq.gov/acs>

¹² <https://durhamnc.gov/4576/Community-Safety>

¹³ https://www1.nyc.gov/assets/nypd/downloads/pdf/public_information/b-heard-public-faqs-5-27-2021.pdf

¹⁴ <https://theappeal.org/the-lab/polling-memos/likely-voters-support-non-police-emergency-response/>



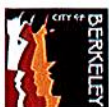


Development and implementation of the Tiered Dispatch model advances the Berkeley City Council’s July 14, 2020, direction “to evaluate initiatives and reforms that reduce the footprint of the Police Department and limit the Police’s scope of work primarily to violent and criminal matters”.¹⁵

Tiered Dispatch/CERN Pilot Program

Based on the information garnered from the preparation of its deliverable reports and an understanding of the approaches being taken by jurisdictions across the country, **NICJR recommends the establishment of a Tiered Dispatch/CERN Pilot Program, focused on a subset of the Tier 1 call types that can be used in the pilot phase in order to work out logistical and practical challenges prior to scaling up the program. Upon**

¹⁵ <https://www.cityofberkeley.info/RIPST.aspx>

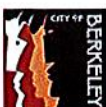


implementation of the pilot phase of the Tiered Dispatch/CERN, BPD would no longer respond to the identified subset of Tier 1 (non-criminal) calls for service which would instead be handled by the CERN responders.

NICJR recommends contracting with local Community Based Organizations (CBOs) who are best prepared to successfully navigate and leverage local resources, services, and supports, to respond to the pilot Tier 1 calls.

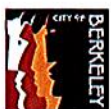
The call types designated for the pilot phase are the 13 call types listed in the Table below. This subset of Tier 1 calls, selected due to the combination of high volume of calls and incidents that could be effectively handled by community responders, accounts for 89,283 total calls or approximately 25 percent of all calls over the 5-year study period.

DRAFT



Tier 1 Subset of CFS for Pilot	# of calls in 2015	# of calls in 2016	# of calls in 2017	# of calls in 2018	# of calls in 2019
Abandoned Vehicle	403	449	481	476	496
Disturbance	6741	6955	7447	7540	6709
Found Property	900	914	888	779	726
Inoperable Vehicle	-	-	-	1	6
Lost Property	16	16	17	15	14
Noise Disturbance	3359	3307	3239	3158	2709
Non-Injury Accident	561	617	571	564	492
Suspicious Circumstances	2586	2354	2254	2184	2041
Suspicious Person	1628	1698	1756	1653	1479
Suspicious Vehicle	1560	1687	1626	1385	1448
Vehicle Blocking Driveway	-	-	-	345	953
Vehicle Blocking Sidewalk	-	-	-	15	45
Vehicle Double Parking	-	-	-	6	14
Total	17,754	17,997	18,279	18,121	17,132

Tiered Dispatch/CERN Pilot Program Implementation Steps



NICJR recommends that the City develop and issue a request for proposals to contract with Community Based Organizations (CBOs) to become CERN responders. NICJR's recommendation is to divide the City into two CERN districts and award contracts to two CBOs to cover each district. Each CERN district should have three teams (one team per shift) of two CERN responders or Community Intervention Specialists, plus two additional Community Intervention Specialists as floaters to cover staff who call out or are on vacation.

For the pilot program, each CERN district would include the following staff:

- 8 Community Intervention Specialists
 - 3 of the Community Intervention Specialists would be leads, to have a lead Community Intervention Specialist (CIS) on each shift
- 1 CERN Supervisor
- 3 CERN Dispatch/Administrative staff

A position overview for the Community Intervention Specialist is included as Appendix A.

Although as a part of the RFP process, applicant CBOs would submit proposed budgets, a sample budget of one CERN team is included in Appendix B. This budget does not include training and technical assistance for the CERN and BPD dispatch that NICJR suggest be provided by an organization that has implemented an alternative response program.

Dispatch

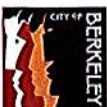
The following information was provided by BPD about dispatch:

Dispatchers are trained to identify approximately 170 pre-established call types for CFS in the CAD system. Some call types may be administrative and specific to BPD or categorized by California penal or vehicle code, and others are categorized by the Berkeley municipal code. Dispatchers are also trained to identify about 40 pre-determined call types for fire and EMS CFS.

The dispatcher identifies an applicable call type to assign the CFS based on what the caller is describing. The call type also determines the response level priority. The reliability of the call type assignment is dependent upon what the dispatcher is being told by the caller. Often the information the dispatcher obtains is unclear, fractured, or incomplete.

If the information or circumstances of an incident do not clearly fit a call type, BPD uses a 'catch all' call type description that dispatchers apply to initiate a response to the CFS. Some examples of call types include:

- 415 (Disturbance)
- SUSCIR (Suspicious Circumstance)
- 10-42 (Welfare Check)



- UNK (Unknown Problem)
- PCVIO (Miscellaneous Penal Code Violation)
- ADVICE (Advice)

Therefore, the outcome of the CFS can be very different from the original call type assignment. Call types may change based on receiving new information prior to an officer arriving on-scene. Once an officer arrives on-scene the call type remains the same, but the final disposition or outcome of the CFS can be different from the call type when dispatched.

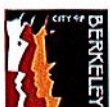
To implement the Tiered Dispatch/CERN model, training will be needed for dispatchers. But, per the process described above by BPD, there is not much of a change to how dispatchers will be asked to operate. When dispatchers identify a call as one of the 13 pilot program call types, they will send that call to the CERN Dispatch in the CERN district the call is coming from.

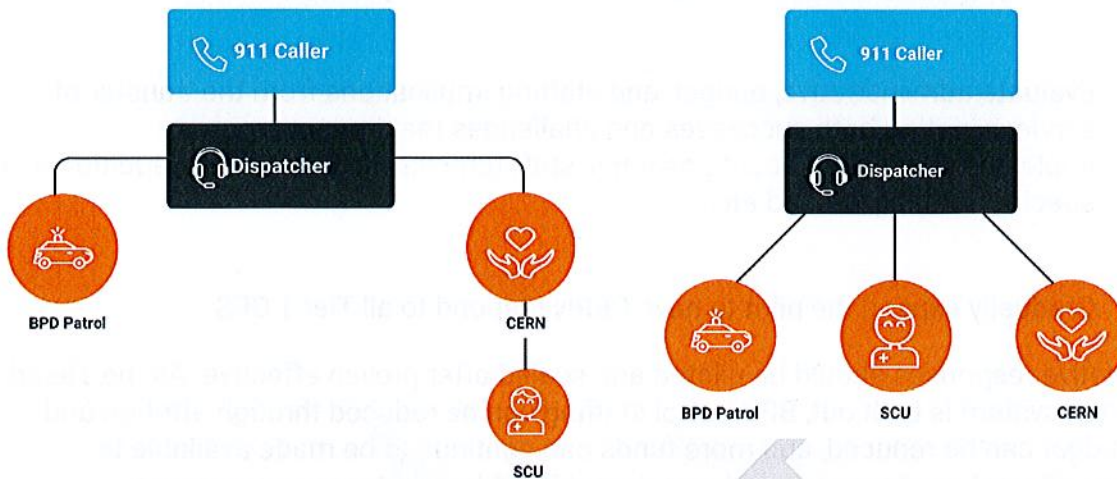
NICJR has suggested the 13 call types for the pilot initiative based on an examination of the call for service data including the call type at intake as well as final disposition. Appendix C includes a summary of and some actual Berkeley 911/CFS incidents among the 13 suggested call types to be in the pilot.

BPD currently receives many calls to its non-emergency phone line and often dispatches officers to those CFS. The CERN would also receive those CFS through BPD dispatch but the CERN should also have its own direct non-emergency line to receive CFS directly from the community that do not have to be routed through BPD.

Specialized Care Unit (SCU)

The City of Berkeley has initiated several police reform/public safety reimagining initiatives in the past 18 months, including the development of a SCU that was separate from this Reimagining Public Safety process. NICJR has received occasional updates on the SCU development process. The final report on the SCU is due to be released on the same day as the submission of the draft of this Final Report to the City and Reimagining Public Safety Task Force. With the understanding that the SCU will respond to calls for service related to mental health and substance abuse, NICJR recommends that either the SCU becomes a division of the CERN and responds to the specified call types identified in the SCU development process or that the SCU becomes a separate, third dispatch option. Both options are depicted below:





Example Tiered Dispatch/CERN Response from Call to Completion

A Berkeley resident who lives in an apartment building calls 911 at 2:00 a.m. saying there has been ongoing loud music and noises coming from a nearby unit in the apartment building. The dispatcher determines that the call is a 415E - Noise Disturbance call in South Berkeley and routes the call information to the South Berkeley CERN. The CERN dispatcher calls or radios the Community Intervention Specialist team on duty and provides them information about the call, both verbally and in the CAD, and directs them to the call.

The CIS team arrives on scene and hears the loud music. They knock on the door that the music is emanating from and talk with the occupants. After some discussion using their mediation training, the CIS team convinces the occupants to turn down their music. The lead CIS enters notes into the CAD (or other data system if an alternative is decided upon)

In 2019, according to the BPD CAD data, there were at least 1,000 disturbance calls for service involving loud music. Nearly all of those calls were responded to by a sworn police officer.

Once the pilot has been initiated, NICJR recommends the following steps:

1. Assess the pilot program, including response times, resolution of emergency, how often officers are being requested to the scene by the CERN, and other measures;
2. Implement regular CERN debriefs to assess circumstances in which officers were asked to respond and the associated outcome, as well as when they were not called and the associated outcome -- this will assist in identifying potential

expansion or reduction of specific types of CFS in each response tier and allow the City to better tailor the program to the community needs;

3. Evaluate administrative, budget, and staffing implications from the transfer of services, noting both successes and challenges that impact program implementation - i.e. vacant positions, staff turnover, access to data, additional or specific training needed etc.;
4. Gradually expand the pilot to have CERN respond to all Tier 1 CFS

Alternative responses should be piloted and scaled after proven effective. As the Tiered Dispatch system is built out, BPD patrol staffing can be reduced through attrition and the budget can be reduced, and more funds can continue to be made available to support alternative responses and investment in addressing root cause issues.

NICJR is not recommending officer layoffs, but reducing the BPD budget through attrition. According to data provided by BPD, in the five years between 2016-2020, an average of 17 officers per year left the Department.

As alternative response is implemented, BPD should concentrate its officers' efforts on serious, violent felonies, with a top priority on gun crimes. We also recommend shifting BPD resources and staff time (sworn and non-sworn) to investigations, with a focus on solving violent crimes and improving clearance rates.

Potential CERN CBO Providers

There are a small number of community based organizations in Berkeley that could operate a CERN. Three of these are briefly highlighted below:

Building Opportunities for Self-Sufficiency (BOSS)

Established in 1971, Building Opportunities for Self-Sufficiency (BOSS) oversees a variety of programs and services encompassing housing, reentry, violence prevention, employment, education, and criminal justice policies. A major initiative BOSS has created is Neighborhood Impact Hubs, which provide resources and services to neighborhoods in Alameda County that experience concentrated poverty and violence. Supports provided include job training, community outreach, peer support, mediation, and others.¹⁶

BOSS also operates many transitional and permanent housing sites for individuals experiencing homelessness. Specialists known as Housing Navigators work to provide housing to individuals and families in the BOSS Network as well as those referred to the organization by way of the 211 Coordinated Entry System and Alameda County

¹⁶ <https://www.self-sufficiency.org/supportsjcf>



Behavioral Health Care Services.¹⁷ BOSS also manages Street Outreach teams in Oakland, working in neighborhoods with high rates of violence. BOSS has worked in Berkeley since its inception.

Bonita House, Inc.

Bonita House, Inc. is a non-profit organization that provides an array of services ranging from treatment for psychiatric and substance use disorders, intensive residential treatment, independent living programs, housing and employment assistance, and outpatient case management. The organization takes a social rehabilitative approach to assisting people recovering from mental health and substance use disorders.¹⁸

Currently, Bonita House, Inc.'s Creative Wellness Center (CWC) is funded by the City of Berkeley and serves as an entry point for recovery and supportive services for people with mental health needs and co-occurring conditions. Bonita House recently launched a Community Assessment and Transport Team (CATT) to serve as a crisis response system. This program is a joint effort among Alameda County Health Care Services Agency programs, 911 dispatch, the County Sheriff's Office, and others. Through CATT, a mental health provider and an Emergency Medical Technician will be available in a mobile transport unit to assist clients with a medical assessment along with transport to further services.¹⁹

Bay Area Community Services (BACS)

Bay Area Community Services (BACS) was established in 1953 to elevate under-served individuals and families by supplying innovative behavioral health and housing assistance in northern California. BACS' philosophy centers on a trauma-informed, person-centric approach.²⁰ The organization's North County Housing Resource Center (HRC) connects adults across Alameda County with housing opportunities. Services include housing navigation, financial assistance, legal workshops, and connections to additional resources.²¹ The HRC is a part of Berkeley's Coordinated Entry System (CES), an initiative which aims to more effectively tackle homelessness.²²

Another major program BACS administers is the Berkeley Pathways STAIR Center. The Berkeley Pathways STAIR Center is a re-housing program that assists individuals experiencing homelessness with transitioning into permanent housing in West Berkeley.²³ Open twenty-four hours a day, seven days a week, individuals at the STAIR Center are connected to case managers, supplied with meals and storage, and provided mental health services.²⁴ A critical component of the program is street outreach, in that

¹⁷ <https://www.self-sufficiency.org/housingnavigation>

¹⁸ <https://bonitahouse.org/about-us/>

¹⁹ <https://bonitahouse.org/catt/>

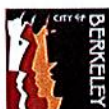
²⁰ <http://bayareacs.org/who-we-are/>

²¹ <http://www.bayareacs.org/wp-content/uploads/2019/07/HS-Flyer-HRC-North-County.pdf>

²² <https://www.cityofberkeley.info/homeless-entry/>

²³ <https://alamedakids.org/resource-directory/view-program.php?id=1223>

²⁴ <https://chancellor.berkeley.edu/sites/default/files/berkeleypathwaysinformation.pdf>



outreach workers sustain a presence in Berkeley's encampments and build relationships with their residents. During the first year of the STAIR Center, 170 individuals acquired a STAIR bed, with 101 clients exiting the shelter to permanent housing.²⁵

End Pretextual Stops

Pretextual or "pretext" traffic stops occur when police officers stop a driver for a minor violation, like vehicle equipment failure, and then try to leverage that opportunity to find evidence of a more significant crime, or when officers have made the stop on a low level violation assuming the driver or vehicle occupants are guilty of more serious offenses the officer is trying to find. A recent evaluation of 100 million traffic encounters demonstrated that Black and Latino drivers experience higher rates of pretextual stops and searches.²⁶ However, most of these stops do not actually yield any contraband or weapons.²⁷ Because the nature of pretextual stops relies heavily on officer discretion, there is a high likelihood that implicit racial biases come into play. Such stops that end in violence or death disproportionately affect Black and Latino drivers.²⁸

Despite public concern, elimination of pretextual stops does not increase crime rates. An analysis by the police department in Fayetteville, North Carolina showed that violent crime was not affected after the police department reformed its use of pretextual stops.²⁹

Pretextual stops are in the process of being regulated in many states across the country. Oregon's Supreme Court ruled in November 2019 that it was unconstitutional for police to stop a driver and proceed to ask unrelated questions, thereby effectively banning pretextual stops.³⁰ Virginia policymakers are also considering restricting pretextual stops.³¹ Other legislation has been introduced across the country that prevents police officers from conducting certain types of pretextual stops including, for example, broken tail or brake lights, objects obstructing the rearview mirror, and tinted windows.³² Advocates of these bills state the proposed limitations would decrease racial incongruities in traffic stops.³³ The Berkeley City Council has already approved the formation of BerkDOT in order to address and decrease the frequency of pretextual

²⁵https://www.cityofberkeley.info/Clerk/City_Council/2019/09_Sep/Documents/2019-09-24_Item_41_Pathways_STAIR_Center_First_Year_Data_Evaluation.aspx

²⁶ <https://www.vera.org/blog/ending-pretextual-stops-is-an-important-step-toward-racial-justice>

²⁷ <https://www.law.upenn.edu/live/files/7898-rudovskiyoslj>

²⁸<https://www.berkeleyside.com/2021/03/02/opinion-for-berkeley-to-reimagine-public-safety-we-must-grapple-with-traffic-enforcement>

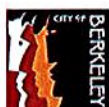
²⁹ <https://inpejournal.biomedcentral.com/articles/10.1186/s40621-019-0227-6>

³⁰ <https://www.opb.org/news/article/oregon-supreme-court-bans-police-officers-random-questions/>

³¹<https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2020/09/03/police-pretext-traffic-stops-needed-to-end-some-lawmakers-say>

³² <https://theappeal.org/traffic-enforcement-without-police/>

³³<https://www.dailypress.com/news/crime/dp-nw-northam-legislation-traffic-20201021-3f2tmucyl5csdmbhhv2zh3atya-story.html>



traffic stops.³⁴ The City Council also approved the recommendations of the Mayor's Workgroup on Fair and Impartial Policing, which included the elimination of pretext stops.

BerkDOT

Another element of the George Floyd Act passed by the Berkeley City Council was to create the Berkeley Department of Transportation, which included the ultimate goal of having a civilian response to traffic calls for service. When BerkDOT is fully implemented, it will further allow for the reduction of the staffing and therefore budget of BPD.

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³⁴<https://www.berkeleyside.com/2021/03/02/opinion-for-berkeley-to-reimagine-public-safety-we-must-grapple-with-traffic-enforcement>



Improve

This section focuses on how BPD and the public safety system in Berkeley can improve its quality, increase its accountability and become more transparent. NICJR recommends the following improvement strategies:

- Implementation of HALO
- Creation of Bay Area Progressive Police Academy
- Implement additional police reform measures: Increase diversity of BPD leadership; Increase standards for Field Training Officers; and further amend the BPD Use of Force policy



HALO

Highly Accountable Learning Organization

Highly Accountable Learning Organization

A Highly Accountable Learning Organization (HALO) is one that holds staff accountable and continues to learn and grow. A HALO police department is one where staff hold each other accountable, where management trains, coaches, and encourages staff and admonishes and disciplines when necessary. A HALO police department continually learns and improves its performance. It immediately responds to poor performance, critical incidents, and problematic staff with accountability, learning, training and correction. A HALO police department provides significantly more training than the minimum required by the California Peace Officer Standards and Training (POST).

NICJR recommends that the Berkeley Police Department become a Highly Accountable Learning Organization. BPD's HALO initiative would include the following:

- Implementation of a peer intervention program like EPIC and ABLE which train officers to intervene when they observe fellow officers engaged in inappropriate behavior.
- In line with recommendations from the Mayor's Task Force on Fair and Impartial Policing which were adopted by the Council -- BPD should implement or improve on the Early Intervention System (EIS). The EIS should be designed to catch

problematic officers early and provide appropriate training and correction or discipline and dismissal.

- Creation of Quality Assurance and Training Division: Significantly expand the current Training Unit and develop a Quality Assurance and Training Division that provides additional training, reviews body worn camera footage, and reviews critical incidents and complaints to develop officer and squad specific trainings.
- Increase Transparency: Provide regular reports to the public and increase the open data portal.

Ethical Policing Is Courageous (EPIC)

The EPIC program is a peer-to-peer intervention strategy that was created by the police department in New Orleans, Louisiana in 2016. EPIC involves training officers to be accountable to each other and to intervene before an unlawful act takes place, irrespective of hierarchy. This initiative aims to alter the culture surrounding policing in order to limit police misbehavior and promote a collaborative environment.³⁵

The EPIC program is founded on active bystandership psychology, which explains that active bystanders intercede when they are made aware of problematic behavior. EPIC training allows officers to overcome factors that may prevent them from intervening. These factors include a lack of confidence in their ability to deescalate a situation, uneasiness about potential retribution, and worry about breaking an unwritten code of silence.³⁶

Leadership in police departments who participate in the EPIC program must be committed to changing their organizational culture. Police departments implementing EPIC must provide education, training, and on-going learning and support to officers for the initiative to be successful. EPIC can also integrate with other initiatives to boost officer well-being, including counseling and trauma assistance as well as stress reduction education.³⁷

Data has shown that police departments where EPIC programs have been implemented have better community relations, lower rates of misconduct, and lower rates of public grievances. The majority of the feedback from New Orleans police officers has also been positive.³⁸ Moreover, there is strong research that peer intervention is effective when successful strategies for interceding are provided.³⁹

Project Active Bystandership for Law Enforcement (ABLE)

Project ABLE is a joint effort between the Georgetown Innovative Policing Program and the Sheppard Mullin law firm to train officers to be able to properly intervene in a crisis

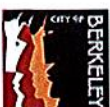
³⁵ <http://epic.nola.gov/home/>

³⁶ <http://epic.nola.gov/epic/media/Assets/EPIC-Overview.pdf>

³⁷ Id.

³⁸ <https://www.apa.org/monitor/2017/10/police-misconduct>

³⁹ <https://epic.nola.gov/epic/media/Assets/Aronie-Lopez,-Keeping-Each-Other-Safe.pdf>



situation and promote a policing atmosphere that reinforces peer intervention. Project ABLE is based on the principles of the New Orleans EPIC Peer Intervention Program and curriculum created by Dr. Ervin Staub for California law enforcement. Through Georgetown, law enforcement agencies are able to receive training in Project ABLE along with a host of other resources to assist them in advancing their own bystandership strategies.^{40 41} The training consists of a minimum of a one-time, eight hour ABLE-specific training along with a minimum of two hours of annual refresher training.⁴² All of these resources are provided to law enforcement agencies free of charge.

Project ABLE's aim is to reduce police misconduct and errors and assist in improving officer health and well-being. In order to prevent any retaliation from occurring to those officers who intervene, police departments must implement stringent anti-retaliation guidelines. Since its inception, over 70 police departments have enlisted in Project ABLE.⁴³

Research has shown that there are many advantages to the implementation of significant bystander training. This is critical because most police departments have a culture that dissuades officers from intervening when they see problematic behaviors.⁴⁴ Identified benefits include a decrease in violence to civilians, a decrease in violence to police officers, enhanced relationships between community residents and the police officers, and growth in officer well-being.⁴⁵ Evidence also suggests a strong correlation between departments that maintain robust duty to intervene protocols and decreased rates of police deaths per capita.

BPD should join the ABLE program to receive training and technical assistance and use the new Quality Assurance and Training Bureau discussed below to ensure the department adheres to the training, principles and practices of the program.

Early Intervention System

Early intervention systems (EIS) -- also known as Early Warning System (EWS) or Early Warning and Intervention System (EWIS) -- can be thought of as a personnel management or risk management tool designed to identify potential problematic behavior that puts the individual, organization, and/or community at risk. These systems consolidate a variety of data as well as indicators to analyze for potentially problematic behavior as early as possible. Indicators include but are not limited to: use of force

⁴⁰ <https://www.law.georgetown.edu/innovative-policing-program/active-bystandership-for-law-enforcement/>

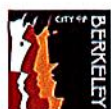
⁴¹ <https://www.law.georgetown.edu/innovative-policing-program/active-bystandership-for-law-enforcement/our-mission/>

⁴² <https://www.law.georgetown.edu/innovative-policing-program/active-bystandership-for-law-enforcement/able-program-standards/>

⁴³ <https://www.wsj.com/articles/nypd-officers-to-get-training-on-speaking-up-against-bad-policing-11611838809>

⁴⁴ https://assets.foleon.com/eu-west-2/uploads-7e3kk3/41697/pdf_-_duty_to_intervene.6e39a04b07b6.pdf

⁴⁵ <https://www.law.georgetown.edu/innovative-policing-program/active-bystandership-for-law-enforcement/able-program-standards/>



incidents; citizen complaints; and disciplinary history. Identification of habitual misconduct by officers is often accomplished through a “peer officer comparison system,” where officers assigned to the same beat are juxtaposed.⁴⁶ Once an officer is identified by the EIS for habitual misconduct, training, supports, and services to aid the officer are provided to encourage officer wellbeing and aid in behavioral change that is consistent with organizational and community goals. Continued monitoring of officer progress, as well as frequent reviews of EIS data, is necessary for successful implementation.⁴⁷ The collection and analysis of aggregate data within EIS is also recommended to be utilized to identify problem areas within teams, units, departments, or entire organizations.

Examples of areas that EIS commonly tracks are:

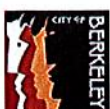
Performance category	Possible considerations
Arrests, especially excessive ‘discretionary’ arrests	May signify underlying bias of officer or over-zealousness; or could be due to agency reinforcement of arrests as a “good statistic” (therefore an agency-level problem)
Traffic Stops	May highlight concern over bias if indicative of profiling, may be due to agency reinforcement of arrests as a “good statistic” (therefore an agency-level problem)
Use of force by type (e.g., baton, pepper spray, gun, etc.	Limited use of less lethal may indicate underlying fear or lack of confidence in ability to resolve encounters with a minimal amount of force. May uncover bias, overly aggressive tendencies, lack of verbal ability, lack of skill or training in de-escalation.

In February 2021, the Mayor’s Task Force on Fair and Impartial Policing recommended the implementation of an EIS and outlined the following seven areas in which the EIS should focus:

1. Evaluate and assess stop incidents for legality and enforcement yield.
2. Analyze data to determine whether racial disparities are generalized across the force or are concentrated in a smaller subset of outlier officers or squads/groups of officers. To the extent that the problem is generalized across the department, supervisors as well as line officers should be re-trained and monitored, and department recruitment, training, and structure should be reviewed. In addition, department policy should be examined for their impacts.

⁴⁶ <https://samuelwalker.net/issues/early-intervention-systems/>

⁴⁷ <https://www.policefoundation.org/publication/best-practices-in-early-intervention-system-implementation-and-use-in-law-enforcement-agencies/>

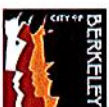


3. Where disparities are concentrated in an individual or a group of officers, with no race-neutral legitimate evidence for this behavior in specific cases, initiate an investigation to determine the cause for the disparity. Evaluate whether there are identifiable causes contributing to racially disparate stop rates and high or low rates of resulting enforcement actions exhibited by outlying officers. Determine and address any trends and patterns among officers with disparate stop rates. In the risk management process, the responsible personnel in the chain of command reviews and discusses the available information about the subject officer and the officer's current behavior.
4. Absent a satisfactory explanation for racially disparate behavior, monitor the officer. Options for the supervisor in these cases include reviewing additional body-worn camera footage, supervisor ride-alongs, and other forms of monitoring. Further escalation to intervention, if necessary, may include a higher form of supervision, with even closer oversight. If performance fails to improve, command should consider other options including breaking up departmental units, transfer of officers to other responsibilities, etc. The goal of this process is to achieve trust and better community relations between the department as a whole and all the people in Berkeley. Formal discipline is always a last resort unless there are violations of Department General Orders, in which case this becomes an IAB matter.
5. Identify officers who may have problems affecting their ability to make appropriate judgments, and monitor and reduce time pressures, stress and fatigue on officers.
6. An outside observer from the PRC shall sit in on the risk management and/or EIS program. Reports from these meetings, or other accurate statistical summary, can be given to the commission without identifying any officers' names.
7. Report the results of this data analysis quarterly.

In response to the Fair and Impartial Policing recommendations, BPD has indicated it is implementing an EIS for traffic, bike, and pedestrian stops, which is a very good start. NICJR recommends that the EIS should also be expanded to assess all Use of Force incidents, complaints, and information gleaned from the Body Worn Camera (BWC) footage reviewed by the Quality Assurance and Training Bureau described below.

Quality Assurance and Training Bureau

In order for BPD to become and maintain a Highly Accountable Learning Organization, it must have an internal accountability and continual improvement process and structure. To this end, as a part of the HALO initiative, **NICJR recommends that BPD either expand its current Personnel and Training Bureau or create a new Quality Assurance and Training (QAT) Bureau.** The QAT Bureau would be responsible for supporting officers



and personnel throughout the Department to maintain and increase high standards and professionalism, as well as quickly detect and correct any patterns of misconduct.

The QAT Bureau should examine every complaint filed, every Use of Force, and regularly examine BWC footage to assess where individual officers, squads, and the entire Department need additional training, specialized training, and coaching, to address the specific deficiency discovered through the complaint, incident, or pattern observed.

Unlike current operations, if the QAT Bureau observed discourteous treatment by an officer, they would be authorized and required to pull that officer into a special training and/or coaching session. The QAT Bureau would then review the BWC footage of officers in that squad to determine if there was an issue with the entire squad and sergeant.

The QAT Bureau would also increase the number and quality of trainings currently offered in the Department. POST, which oversees mandated training of officers in California, only requires 40 hours of training per year, but local departments can go beyond that minimum. Under the HALO initiative, BPD officers should receive far more training than the minimum POST requirements. In addition to *more* training, the QAT unit would provide not just one-size fits all training to a group of officers, but specifically tailored training to individual officers and squads based on their needed improvements or after critical incidents.

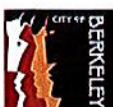
BPD has conducted a number of good trainings for its officers and non-sworn staff, including: Fair and Impartial Policing; Principled Policing; Bias Based; Communication-Keeping Your Edge; and Implicit Bias (a full listing of the trainings BPD provided to NICJR is in Appendix D). Based on the information BPD provided, there has not been a single Fair and Impartial Policing training in five and a half years, and not one held for all officers for the past seven.

Increased training and education programs are frequently promoted to police departments to help improve the quality of policing and support officers in gaining new skills. As noted by two Columbia Law School professors in an article on police reform, "... training does not take root unless officers are held accountable for obeying the rules and practicing the skills they are taught."⁴⁸ **Training alone is not adequate to transform a police department or change the behavior of an officer. But combined with culture change, new policies and accountability, training can be an effective tool to improve and reform the police.**⁴⁹

One of the trainings BPD should add for all officers is a full day Procedural Justice course. According to the Department of Justice's Community Oriented Policing Services, "Procedural justice refers to the idea of fairness in the processes that resolve

⁴⁸ <https://www.themarshallproject.org/2014/12/19/the-new-new-policing>

⁴⁹ <https://nicjr.org/wp-content/uploads/2021/08/GeneralNewAndEmergingReport.pdf>



disputes and allocate resources. It is a concept that, when embraced, promotes positive organizational change and bolsters better relationships.⁵⁰

A comprehensive evaluation of procedural justice trainings found that “training increased officer support for all of the procedural justice dimensions. Post-training, officers were more likely to endorse the importance of giving citizens a voice, granting them dignity and respect, demonstrating neutrality, and (with the least enthusiasm) trusting them to do the right thing.”⁵¹ Several evaluations of procedural justice have found the education has been correlated with an improvement in relations between a community and a police department. In Oakland, CA, the police department trained all officers in procedural justice and provided specialized procedural justice training to the department’s gun violence reduction unit. Oakland’s police department was also the first department in the country to have members of the community teach a portion of the procedural justice training. BPD should increase its use of local community members providing training to officers.

To implement the QAT Bureau, **NICJR recommends that BPD transfer five officers from the patrol division and two civilian staff into what is now the Personnel and Training Bureau and rename it the Quality Assurance and Training Bureau and amend the duties of those officers to achieve the above goals.** With the implementation of the Tiered Dispatch model, the patrol division will have significantly less work load and officers can be reassigned to other duties, like the QAT Bureau.

Increased training hours will require negotiation with the union and the City Manager’s Office will have to engage with the Meet and Confer process to implement these changes.

Greater Transparency

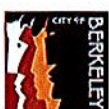
The issues of accountability and transparency in policing are intertwined and efforts to address each often include both. There are, however, specific efforts that work to daylight information about departmental activities as well as individual officers’ behaviors for the purposes of identifying patterns and problems.

BPD should provide semi-annual reports to the public on stops, arrests, complaints, and uses of force, including totals, by race and gender, by area of the city, and other aggregate outcomes.

The Oakland Police Department (OPD) recently implemented a series of Microsoft Power BI (Business Intelligence) dashboards that allow for a precise review of police behavior. Working with Slalom, a data consulting firm, OPD has increased transparency

⁵⁰ <https://cops.usdoj.gov/proceduraljustice>

⁵¹ <https://www.scholars.northwestern.edu/en/publications/training-police-for-procedural-justice>



and accountability through data analysis. Patterns of enforcement, historical activity, and performance over time are all monitored in close to real-time.⁵²

The dashboards were created with input from OPD staff and leadership, community based organizations, other law enforcement agencies, and Stanford University's SPARQ (Social Psychological Answers to Real-world Questions). Each dashboard can be accessed by OPD leadership, depending on security clearance. The dashboards have a simple interface, allowing supervisors to access and understand the data easily. Police supervisors can access a variety of data, from long-term information to arrests made within the last twenty-four hours.⁵³ Dashboards allow for an easy breakdown of incidents by factors including race, gender, ethnicity, and officer. This permits police departments to monitor problematic patterns and address them quickly.⁵⁴ One necessary improvement with these systems is allowing the public access to the information.

Bay Area Progressive Police Academy

The following section of this report provides detailed research, components, and recommendations to support the development of a Bay Area Progressive Police Academy (BAPPA) to address what has been identified as a significant and stark mismatch between the primary reasons for calls for service and the training that officers receive to appropriately respond to those calls.

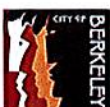
A progressive training program like BAPPA, understands, values, and reinforces through the appropriate proportion of skill building and practice that first and foremost an officer must create a positive relationship with the community and that relationships are built on communication and personal interaction. BAPPA instructors would teach using guidance, coaching and feedback, rather than humiliation or demands for compliance. The approach emphasizes critical thinking, active and engaged learning, and thoughtful, informed, and quick analysis. It also prioritizes a strong understanding of human behavior including behaviors exhibited by individuals experiencing high degrees of stress, shock, trauma, or in more extreme circumstances, a mental health crisis, and integrates real-life scenarios and debriefs that teach which responses are likely to escalate or de-escalate a situation.

The BAPPA structure would be centered on adult learning models and focus on the demonstrated acquisition and application of well-practiced skill as opposed to rote memorization. The content of the curriculum will include honest discussions about civil rights, the Constitution, what it means to connect to, uphold and exhibit the values inherent in a community guardian, and to serve a community in which you are responding to highly vulnerable, rather than just potentially threatening people. The

⁵² <https://www.slalom.com/case-studies/city-oakland-creating-police-transparency-and-trust-data>

⁵³ <https://medium.com/slalom-data-analytics/data-is-the-new-sheriff-in-town-but-is-it-biased-4aa140904dd7>

⁵⁴ <https://cao-94612.s3.amazonaws.com/documents/Police-Commission-7.23.20-Agenda-Packet.pdf>



program's focus is to hold both officer safety and public trust in equal proportions -- not in competition or as mutually exclusive.

Although activists' concerns and complaints dominate the headlines, when asked to reflect on the relevance and utility of their academy experience, much of the criticism has come from officers themselves.^{55 56} Police administrators have also expressed that they do not believe that police academy training is sufficient in preparing officers for the reality of the work they are asked to do.⁵⁷

The general disconnect between academy training and job preparation tends to revolve around two interrelated topics concerning the content and delivery of academy curriculum: 1) the typical paramilitary format fails to prepare recruits to work in a manner consistent with the community-oriented police services model; and 2) it is delivered in a manner that is inconsistent with basic principles of adult-learning theory and styles. Essentially, in order to produce officers who are able to successfully perform community-oriented policing techniques (e.g., proactive collaboration with community members) **police academies must train recruits to be independent, creative problem solvers who are connected to the human impact of their decisions and see their role as a guardian, not a warrior.**⁵⁸

According to a resolution authored by Berkeley City Councilmember Ben Bartlett and co-sponsored by Mayor Jesse Arreguin in June 2020:

"Berkeley Police Department recruits currently train at the Contra Costa County Sheriff's Office Academy Training Center, Sacramento Police Academy, Santa Clara County Sheriff's Office Justice Training Center, and Alameda County Sheriff's Office Academy Training Center. Unfortunately, these facilities are paramilitary in structure, potentially instilling the warrior mentality that forces a divide between law enforcement and the public and promotes fear. Additionally, the Alameda County Sheriff's Office's history of using military technology, deploying armored vehicles, equipping deputies with automatic rifles, and support for Urban Shield casts doubt on the ability of the Alameda County Sheriff's Office Regional Training Center in Dublin to train cadets in a progressive, non-paramilitary manner." The resolution goes on to say: "Rooting out the paramilitary aspect of policing begins with transforming police training. It necessitates equipping officers with practical and effective decision-making methods that prioritize de-escalation and reserve use of force as a last resort. It necessitates teaching police officers that they have the power and the choice to perpetuate or defeat injustice. It necessitates engaging officers with the history of their profession and challenging their socioeconomic and racial biases."⁵⁹

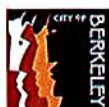
⁵⁵ <https://www.emerald.com/insight/content/doi/10.1108/13639519810206600/full/html>

⁵⁶ <https://psycnet.apa.org/record/1987-29889-001>

⁵⁷ <https://heinonline.org/HOL/LandingPage?handle=hein.journals/injposcim4&div=25&id=&page=>

⁵⁸ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6950698/#B2-ijerph-16-04941>

⁵⁹ <https://www.cityofberkeley.info/uploadedFiles/Clerk/Progressive%20Police%20Academy%20June%202020.pdf>

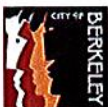


Unfortunately, the approach in which most police academies continue to be conducted is in a paramilitary fashion. This means that recruits are held to a high standard of discipline and regimentation seemingly for discipline and regimentation shake. They utilize the mentality of a warrior going to battle and view the police force as being an occupying army. This approach has been referred to as the “warrior mentality” for many years. Instilled or reinforced in police officers at the academy, the warrior concept is saturated throughout police culture. “Another, more insidious problem in a military-style academy is the behavior modeled by academy staff. Those without power (recruits) submit without question to the authority of those who have power (academy staff). In this way, academy training staff are often indistinguishable from military drill sergeants, who verbally harass and even demean recruits who are not measuring up. Pushups, extra running, and writing reports are used as punishment for failure to demonstrate skills and/or properly follow directions. Although this type of approach can sometimes build camaraderie, it has not been shown to effectively build recruits’ skill. There are, however, many other ways to build camaraderie while achieving the primary goal of improving the recruit’s skill and ability to do their job. What the paramilitary model has been shown to do is contribute to a fairly high dropout rate.⁶⁰ This is especially true in organizations that have implemented newer hiring practices that recruit more mature individuals, with advanced degrees and whose education, training, and life experience has taught them to ask questions, critically analyze, debate, and discuss rather than just follow orders. Which means that the paramilitary training model results in high drop-out or failure rates amongst the very recruits departments are attempting to attract and retain.

The contrast to the warrior mentality is the guardian mentality, which promotes community engagement, the establishment of meaningful relationships, and providing support to residents. The notion of being a guardian or protector of the public is a noble one, one in which trust and respect can replace fear and intimidation. If police agencies are committed to hiring officers who will do things differently and exemplify the guardian qualities, they must create agencies that exhibit those same qualities and train recruits in a manner that reinforces them.

NICJR recommends that the preceding information be used to develop a Bay Area Progressive Police Academy built on adult learning concepts and focused on helping recruits develop the psychological skills and values necessary to perform their complex and stressful jobs in a manner that reflects the guardian mentality. In order to leverage resources as well as build a regional approach, BAPPA is proposed as a partnership between area cities that may have similar goals to transform their police departments, which may include: Berkeley, Albany, and potentially Oakland.

⁶⁰ Couper, D.C., *Arrested Development: A Veteran Police Chief Sounds Off About Protest, Racism, Corruption and the Seven Steps Necessary to Improve Our Nation’s Police*, Indianapolis, Indiana: Dog Ear Publishing, 2011.



Other Police Reform Measures:

Increase Diversity of BPD Leadership

Overall, BPD has a relatively diverse sworn staff as it relates to Berkeley's demographics in terms of race and ethnicity. But there is a significant disparity in gender, with males making up 86 percent of sworn staff. BPD also only tracks gender as male or female; this should be changed. Another concern is that, of the 13 executive staff in the Department (Lieutenants/Captains/Chief), nine are white, three are Asian, one is Black, and none are Latinx (a chart of BPD personnel by race and rank is in Appendix E) Intentional focus on increasing the racial and gender diversity of BPD line staff and leadership will be important in the near term.

Increase Standards for Field Training Officers

The Minneapolis police officer who murdered George Floyd was a Field Training Officer (FTO) despite having 13 previous complaints leveled against him and he was involved in three previous shootings.

BPD should amend its policy to disallow any officer from becoming a Field Training Officer who has either more than two complaints or any one sustained complaint in any 12 month period.

Further Amend the BPD Use of Force Policy

NICJR recommends that BPD's Use of Force policies be revised to limit any use of deadly force as a last resort to situations where a suspect is clearly armed with a deadly weapon and is using or threatening to use the deadly weapon against another person. All other force must be absolutely necessary and proportional.



Reinvest

Berkeley is an affluent city with resources, one of the most well regarded academic institutions in the country, and a progressive electorate that supports social programs. Unfortunately, this combination of assets has not resulted in appropriate and sustained investment in the most vulnerable populations in the city.

The City of Berkeley must increase its investment in communities, families, and individuals who: live in poverty, are unhoused, are unemployed, are underemployed, have mental health challenges, and/or have substance abuse challenges. Particular attention to racial and ethnic intersectionality with respect to these socio-economic demographic characteristics is critically important (especially in relation to Black and Latinx communities).

When the Tiered Dispatch/CERN model is fully implemented, up to 50 percent of calls for service in the City can be diverted to a non-police response, allowing for BPD staffing to be responsibly and safely reduced and the Department's budget to be significantly reallocated.

Even before the BPD budget can be reduced and reallocated, the City should use General Fund dollars and other revenue sources to increase investment in "fundamental cause" drivers of trauma, crime, and violence. These fundamental causes include, but are not limited to:

- Poverty
- Homelessness
- Education
- Substance Abuse
- Unemployment and underemployment

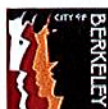
NICJR recommends that the City take the following measures to increase investment in vulnerable communities and fundamental cause issues:

- Launch a Guaranteed Income program to provide monthly stipends to individuals and families living under the poverty level
- Launch a Community Beautification Employment Program
- Increase Funding for Community Based Organizations

Guaranteed Income

The poverty rates from the national to the local level show deepening poverty levels as we get closer to home. In 2019, the national poverty rate was 10.5 percent and in California it was 11.8 percent⁶¹. Drilling down, we find that Alameda County's poverty

⁶¹ <https://www.statista.com/statistics/205434/poverty-rate-in-california/>



rate was 14.1 percent and that Berkeley's was 19.2 percent⁶². The 2019 American Community Survey conducted by the U.S. Census Bureau reveals that nearly 36 percent of Black and 24 percent of Latino residents live below the poverty line, compared to only 12 percent of white residents⁶³. Consistent with those findings, immigrant Californian's experienced a poverty rate of 21.6 percent, compared to 14.4 percent for non-immigrants, and poverty among undocumented immigrants was 35.7 percent. More than one in five (21.4 percent) Latinos lived in poverty, compared to 17.4 percent of African Americans, 14.5 percent of Asian Americans/Pacific Islanders, and 12.1 percent of whites⁶⁴.

While Guaranteed Income or Universal Basic Income (UBI) programs have recently become popular in the United States, the state of Alaska has a program that provides regular unconditional payments to residents. The Eastern Band of Cherokee Indians Casino Dividend in North Carolina has given every tribal member between \$4,000 and \$6,000 per year since 1997. Studies of both efforts have shown a reduction in crime associated with the unconditional cash payments. These findings have been replicated in international studies, including one in Namibia which showed a direct correlation between UBI and crime reduction. There are smaller pilot efforts currently underway in the United State. Oakland recently launched a Guaranteed Income program and San Francisco is starting in 2022. In Jackson, Mississippi, Springboard to Opportunities and the Magnolia Mothers Trust are giving \$1,000 per month to Black mothers.

In Stockton, California, 125 residents have been receiving \$500 per month, since February 2019. Former Stockton mayor Michael Tubbs launched the initiative in the city and championed several Mayors from across the country in coming together to pledge to launch UBI initiatives in their cities through Mayors for a Guaranteed Income. A preliminary study of the Guaranteed Income program in Stockton found several positive outcomes, including that recipients were "healthier, showing less depression and anxiety and enhanced well-being."⁶⁵

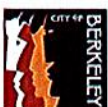
Berkeley should launch a Guaranteed Income pilot program similar to other cities in the region. The pilot program should select a subpopulation of 200 Black and Latinx families that have children under 10 years of age and have household incomes below \$50,000. These families should be provided a monthly stipend of \$750 at an annual cost to the City of \$1.8 million, a sum that can be taken from: the General Fund; federal funding already received or forthcoming, or the soon to be passed Infrastructure Bill; or raised through philanthropy akin to the approach in other cities.

⁶² <https://www.census.gov/quickfacts/berkeleycitycalifornia>

⁶³ <https://www.census.gov/programs-surveys/acs>

⁶⁴ <https://www.census.gov/programs-surveys/acs>

⁶⁵ [SEED Preliminary+Analysis-SEEDs+First+Year_Final+Report_Individual+Pages+.pdf \(squarespace.com\)](#)



Community Beautification Employment Program

NICJR recommends that the City launch a crew-based employment program, or expand an existing program that employs formerly incarcerated people to help beautify their own neighborhood. Hire and train no less than 100 formerly incarcerated Berkeley residents to conduct Community Beautification services, including: blight abatement, tree planting, plant and maintain community gardens, make and track 311 service requests, and other community beautification projects.

There are many Berkeley and Bay Area CBOs that are capable of implementing this program, including the Center for Employment Opportunity (CEO) that operates a crew-based employment program for people on probation in Alameda County or BOSS, which has also provided similar services. However, this program would be focused on beautifying Berkeley neighborhoods and employing Berkeley residents.

A recent study showed that community beautification efforts in Philadelphia had a direct impact in reducing violence in those neighborhoods.⁶⁶

Under AB 109 Criminal Justice Realignment, each year Alameda County receives an allotment of funds from the state to serve adults in the community who are under probation supervision and for other related operations. The Alameda County Board of Supervisors has mandated that half of those funds be allocated to community based services. In fiscal year 2019-2020, Alameda County received more than \$50 million in Realignment funds from the state, with \$25 million of it dispersed to community services.⁶⁷

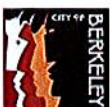
According to Alameda County Probation Department data, five percent of probation caseloads are from Berkeley. Of the annual \$25 million in Realignment funds allocated to community services each year, 5%, or \$1.25 million, should be spent on Berkeley residents. CEO also provides a crew based employment program in Oakland, which serves 80 people at an annual cost of \$345,000. If Berkeley receives its fair share of Realignment funding, it would more than cover the cost of the Community Beautification Employment program.

Increase Funding to Community Based Organizations

CBOs that provide services to those who are unhoused, live in poverty, have mental health challenges, have substance abuse challenges, are system-involved, and/or are LGBTQ should receive an increase in funding using Reinvest dollars. A list of Berkeley CBOs that provide such services are included as Appendix F.

⁶⁶ [Citywide cluster randomized trial to restore blighted vacant land and its effects on violence, crime, and fear | PNAS](#)

⁶⁷ http://www.acgov.org/board/bos_calendar/documents/DocsAgendaReg_12_12_19/PUBLIC%20PROTECTION/Regular%20Calendar/item_3_AB_109_rpt_12_12_19.pdf



For FY 2022, the City of Berkeley plans to spend \$20,484,394 to support CBO's; this allocation level represents a 22 percent decrease from the \$26,311,113 amount allocated to these organizations in FY 2021.⁶⁸ At the same time, BPD's FY 2022 budget saw an increase, from \$65,460,524 (adopted FY21) to \$73,228,172 (proposed FY22), an 11.9 percent increase.⁶⁹

Increased funding can come from Measure W funds (described below); when the BPD's budget is gradually reduced; the soon to be passed Infrastructure Bill; and concerted efforts to increase philanthropic dollars. Many Foundations, locally and nationally, are interested and have funded Reimagine Public Safety efforts. If the City of Berkeley adopts the innovative measures in this report and through other efforts being developed from the George Floyd Act, it will attract greater investment from philanthropy.

The City of Berkeley should increase funding to CBOs in one of two ways:

- An across the board 25% increase of grant amounts to currently funded CBOs
- Create a local government agency to be the centralized point of coordination, such as a Department of Community Development to develop a detailed plan to increase the investment in local CBOs that provide services to address fundamental cause issues.

In Oakland, the Reimagining Public Safety Task Force recommended a \$20 million increase in funding to CBOs to be distributed through the Department of Violence Prevention. In response, the City Council allocated \$17 million to DVP and required the Department to develop a plan on how to disperse the funds to local CBOs. Berkeley could do something similar through the creation of the Department of Community Development.

Measure W

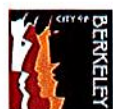
In November of 2020 Alameda County voters passed Measure W, a sales tax measure that is anticipated to generate \$150 million per year to provide housing and services for the unhoused. The funds are to be distributed geographically based on the number and percentage of unhoused individuals in each jurisdiction. The measure will establish a half percent (0.5%) sales tax increase for 10 years, to provide essential County services such as housing, mental health services, job training, and other social safety services. Funded housing programs will include rapid rehousing, ongoing rental subsidies, expanded emergency shelters and permanent supportive housing in certain cases.

As of 2019, there were approximately 1,108 unhoused people living in Berkeley, constituting 13.8 percent of Alameda County's unhoused population.⁷⁰ Berkeley should therefore expect to receive 13.8 percent of the \$150 million annually, which amounts to \$20.7 million for housing and other social services. The measure contemplates annual

⁶⁸ <https://www.cityofberkeley.info/uploadedFiles/Manager/Budget/cob-proposed-budget-fy2022.pdf>

⁶⁹ <https://www.cityofberkeley.info/uploadedFiles/Manager/Budget/cob-proposed-budget-fy2022.pdf>

⁷⁰ [Berkeley+Homeless+Count+2019.pdf \(squarespace.com\)](https://www.cityofberkeley.info/uploadedFiles/Manager/Budget/cob-proposed-budget-fy2022.pdf)



audits and citizen oversight, program components that Berkeley residents can leverage to ensure adequate spending and care is provided to unhoused people and people experiencing mental health crises in Berkeley.

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Conclusion

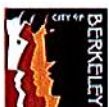
NICJR is proud to present this Final Report and Implementation Plan to the Mayor, City Council, City Manager and the Reimagining Public Safety Task Force.

The research and experience of NICJR and its partners; the feedback and input from the Task Force and City staff; and the engagement with and input from the community all culminated in the innovative ideas presented in this Final Report.

Through implementing the recommendations in this report and the other parallel processes (SCU, BerkDOT, etc), the City of Berkeley is poised to transform its public safety system, improve the outcomes of Berkeley residents, and become a national model for other cities to emulate.

By safely and responsibly reducing the footprint of law enforcement in Berkeley, vastly improving the quality of policing, and significantly increasing investment into community based services, Berkeley will have truly reimagined public safety.

NICJR would like to thank its partners: Bright Research Group, Pastor Michael Smith, Renee Law Group, and Jorge Camacho of the Justice Collaboratory at Yale Law School. NICJR would also like to thank the Task Force, a group of passionate and committed volunteers who spent many hours working to make Berkeley a better city for all its residents. Lastly, NICJR thanks and appreciates all the members of the community who participated in a listening session, completed the survey, attended a community meeting, or in any way participated in this process.



Appendices

APPENDICES

- A. Overview of Duties for CERN Positions
- B. Sample Budget for CERN CBOs
- C. Summary of Pilot Tier 1 CFS
- D. Full Listing of BPD Trainings Provided to NICJR
- E. Chart of BPD Personnel by Race and Rank
- F. Community Based Organizations and Nonprofits Providing Services in Berkeley
- G. New and Emerging Models of Community Safety and Policing Report
- H. Berkeley Calls for Service Analysis
- I. Alternative Responses Report
- J. Community Engagement Report

